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ABSTRACT

To determine if Kansas scholastic journalism programs were being allowed to practice First Amendment rights as determined by federal court decisions since 1968, a study analyzed 177 questionnaires completed by principals, faculty advisers, and student editors at 75 randomly selected public high schools having student newspapers. Survey results included these findings: (1) larger school newspapers had broader content than did the smaller schools; (2) student newspaper editors were not allowed to exercise their First Amendment rights to make the newspaper a true forum for student expression; (3) most school newspapers did not publish irresponsible content, but most had inadequately covered content areas; (4) most respondents lacked knowledge on scholastic press law; and (5) most newspapers operated without written content guidelines. Recommendations based largely on these findings included that newspaper editors and faculty advisers should be encouraged to broaden newspaper content to include social, political, and nonschool issues affecting students; student editors should be given more control over newspaper content; school officials and students should develop written newspaper content guidelines; and school officials should encourage responsible newspapers by providing needed resources, including a competent, knowledgeable faculty advisor. (Author/MM)

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A STUDY OF KANSAS SCHOLASTIC NEWSPAPER CONTENT AND MANAGEMENT PRACTICES IN A FIRST AMENDMENT CONTEXT

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ABSTRACT

This study was designed to determine the existing content and management practices of Kansas public high school newspapers. The sample consisted of the principal, the faculty adviser, and the student editor at 75 randomly selected schools which publish newspapers. Subjects responded to a questionnaire. The study sought to examine differences among three enrollment groups and three subject groups to questionnaire responses, with the chi-square test used to test for statistical significance.

Eight research questions were answered, including these findings: (1) larger school newspapers have broader content than do the smaller schools; (2) student newspaper editors are not allowed to exercise their First Amendment rights to make the newspaper a true "forum for student expression"; (3) most school newspapers have not published "irresponsible" content, but most have content areas "not adequately covered"; (4) most respondents lack knowledge on scholastic press law; and (5) most newspapers operate without written content guidelines.

It is recommended that: (1) newspaper editors and faculty advisers be encouraged to broaden newspaper content to include social, political and non-school issues affecting students; (2) student editors be given more direct control over newspaper content as mandated by federal courts; (3) school officials and student editors develop written newspaper content guidelines and become knowledgeable on student press law; and (4) school officials encourage responsible newspapers by providing needed resources, including a competent, knowledgable faculty adviser.

A Study of Content and Management Practices of Kansas High School Newspapers in a First Amendment Context

Scholastic journalism programs in American secondary schools continue to gain time and attention from school officials, researchers, and the courts in the 1980s. The apparent visibility of the student press has most likely evolved because the range of content of student publications has greatly increased. Before the 1970s, typical student newspapers were filled with bulletin board-type stories of past and future events--nearly all of a positive nature. Today, content of many student newspapers is considered nearly as broad as that of the professional press (Nelson, 1974).

Little is known whether this same conflict and debate over scholastic journalism programs and legal rights of student publications staffs has been experienced in Kansas high schools. Only one federal court case involving the student press has been filed in Kansas, and this case was settled out of court.

This study investigated current practices of Kansas public high school newspapers, concentrating on the areas of content and management practices in a First Amendment context. In reviewing research literature on the subject, it was found that the late 1960s and early 1970s brought a new era of openness to the American high school press. However, with this new era of "openness" came a great deal of

conflict. Since many school newspapers in America started covering topics which before this time had not been covered, school officials attempted to define "responsible" or "suitable" school newspaper content. What one party saw as "responsible journalism," another party might see as "irresponsible." This conflict led to numerous federal court decisions in the area of student "freedom of expression" and student press rights during the past 15 years.

One such court decision was the landmark Supreme Court ruling, Tinker v. Des Moines Independent Community School District. This case dealt with the suspension of three high school students for wearing black armbands as a "silent protest" to United States involvement in the Vietnam War. Since this decision was rendered in 1969, the case has been cited often in similar "freedom of expression" cases, including student press rights cases. The court's legal opinion backed a broad interpretation of student rights, severely altering the former "in loco parentis" doctrine, saying, "Neither students nor teachers shed their constitutional rights to freedom of speech, press or expression at the schoolhouse gate...." Thus, the present study was undertaken to examine the content of Kansas public school newspapers, and the management of these newspapers through written policies and administrative restraint.

Statement of the Problem

The general problem investigated in this study was to determine whether or not Kansas scholastic journalism programs are being allowed to practice First Amendment rights as determined by federal court decisions over the past 15 years. The study was designed as a descriptive study

of the situation as it existed in fall of 1983 in Kansas public high schools.

Research Questions and Problems to be Answered

The study examined several subproblems, all of which are closely related to the problem itself. This condensation of the lengthy study will answer only eight research qestions. (1) Does the student newspaper represent the views of students? (2) Do school newspapers publish or deal with articles and issues of controversy? (3) Are there established school policies or guidelines which govern suitability of content of Kansas scholastic newspapers? (4) Who, according to normal school practice, is granted final right of approval of material for publication in the newspaper? (5) Are Kansas high school principals, newspaper advisers, and student newspaper editors adequately informed in the area of student press law? (6) Do principals, newspaper advisers and student newspaper editors think "freedom of expression" in their school newspapers is encouraged? (7) Does the enrollment classification or school size make a significant difference in responses to any of the above research questions? (8) Do the responses among principals, newspaper advisers, and student newspaper editors differ significantly on these research questions?

Limitations of Study

The present study will not attempt to cover such areas as journalism course content or instructional techniques used in various Kansas scholastic journalism programs. The study is limited to the areas of content and management practices of Kansas public high school newspapers.

Definition of Terms

One of the major issues to be discussed in this study is the subject of responsible scholastic journalism. Courts have determined the terms immediately following to not be "protected speech" under the First Amendment, and publication of articles which would come under these descriptions would appear to constitute a clearer definition of "irresponsible" student journalism. Because most of the terms are legal definitions within a changing legal framework, and are important to the understanding of student press rights, they are defined below. The final paragraph describes the enrollment groupings used in connection with this study.

Advocacy of Violence or Lawlessness--Courts are divided as to the degree students may advocate disregard of school rules and still enjoy First Amendment protections. Communications which clearly incite violence or lawlessness are not protected by the First Amendment, according to federal courts (Trager, 1978, p. 121).

Invasion of Privacy--Certain publications can be considered invasions of privacy, even though they are not libelous, and can be punished by awards of civil monetary damages. These publications include the unauthorized use of a student's name or picture in a paid advertisement (Trager, 1978, p. 121).

Libel and Severe Criticism--While libel can be punished by court awards or monetary damages, courts have considerably narrowed the definition of actionable libel in recent years. A libelous statement is one that defames the character of an individual, business, or product. It can

either injure an individual in his relationships with other people or in his professional or business activities. It is generally an untrue statement published either maliciously or without thorough checking of the facts before publication. Certain public persons find it extremely difficult to recover any damages from a libel action (Trager, 1978, p. 122).

Obscenity--Obscene expression is not protected by the First Amendment, though the definition of obscenity may vary, depending upon the group to which the material is directed. Generally, however, even in high school publications, words considered in context must "appeal to prurient sexual interests" to be considered obscene (Trager, 1978, p. 122).

Prior Restraint/Censorship--Prior restraint or censorship in this context shall mean the use of administrative power to deny or stop publication of a student journalist's work before publication (Nelson, 1974).

School Enrollment Groupings for Study--6A-5A group, 408 to 1,833 students enrolled in grades 10 through 12; 4A-3A group, 124 to 405 students enrolled in grades 10 through 12; and 2A-1A group, 15 to 122 students enrolled in grades 10 through 12.

Review of Relevant Literature

The literature reviewed for this study was a valuable tool in gaining background knowledge into problems in content and management practices involving Kansas scholastic newspaper publications, though little literature specifically dealing with Kansas issues is in existence. The

publications most valuable and useful were Robert Trager's Student Press Rights (1974), George Stevens' Law and the Student Press (1973), Jack Nelson's Captive Voices: High School Journalism in America (1974), and the February 1975 National Association of Secondary School Principals' Bulletin, which deals entirely with scholastic journalism programs and their problems. A 1983 publication, Excellence in College Journalism, by Wayne Overbeck and Thomas M. Pasqua Jr., includes two well-documented chapters dealing with student press rights at both the secondary school and collegiate levels. This reference traces the legal framework surrounding student press rights and responsibilities well into the 1980s.

Also consulted were Julius Duscha's The Campus Press (1973), and Trager's College Student Press Law (1979). The 1980 publication by J. William Click, Governing College Student Publications, was also helpful in that much of the court law involving college publications is based on earlier high school case law. Two general law books, Mass Communication Law: Cases and Comment (1969), and Paul Ashley's Say It Safely (1976) assisted the writer in understanding libel and obscenity legal restraints upon the press. Finally, three national periodicals devoted largely to American scholastic journalism audiences, Scholastic Editor, Communication: Journalism Education Today, and the Student Press Law Center Report, contain a volume of relevant material concerning developing legal battles involving student journalists and their respective news publications.

In all of the related literature, one landmark court case is cited as the basis of current high school press law.

This case, a 1969 United States Supreme Court case, was the classic student "freedom of expression" case. The case, Tinker v. Des Moines Independent Community School District, 393 U.S. 595 (1969), has the distinction of being a Supreme Court case. It is the case usually cited in situations involving student rights in scholastic publications The case dealt with the suspension of three high school students for wearing black armbands as a silent protest to American involvement in Vietnam. The Tinker case also has the distinction of laying down in affirmative language the rights of students (and teachers) to freely express themselves in a public school environment. The case did not address the rights of students in a private school situation. Basically, the Tinker case broadens the concept of "student expression" to the students by stating the following:

> Neither students nor teachers shed their constitutional rights to freedom of speech, press or expression at the schoolhouse gate ... the wearing of armbands in the circumstances of this case was entirely divorced from actually or potentially disruptive conduct of those participating in it ... Where there is no finding and no showing that engaging in the forbidden conduct would "materially and substantially interfere with the requirements of appropriate discipline in the operation of school," the prohibition cannot be sustained.
>
> Students in school as well as out of school are persons under our Constitution .... In our system, students may not be regarded as closed-circuit recipients of only that which the state chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved. In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views (Tinker, 1969).

With the Tinker decision, public school officials for the first time had a specific Supreme Court case which greatly

restricted their legal alternatives in dealing with student expression, including suppression of the student press. As a result of the Tinker decision, students involved with student publications had better insight as to their legal "limits" and "responsibilities" as defined by the High Court.

The Tinker decision came from the Supreme Court in 1969, but even before that landmark ruling, a few lower federal courts had already recognized students' First Amendment rights to publish without unnecessary prior restraint by school authorities. In the years which have followed the Tinker decision, however, cases dealing specifically with student press rights have mushroomed. By 1980, no fewer than 125 other federal court decisions had cited the Tinker decision as legal precedent (Overbeck & Pasqua, 1983, p. 217). And Tinker has been cited frequently as justification for the concept that student newspapers in public school settings are protected by the First Amendment (Overbeck & Pasqua, 1983, p. 216). The Burnside v. Byars case (1966), one of the few often-cited pre-Tinker decisions, ruled that only expressions of opinion which "materially and substantially" interfere with school operations can be legally prohibited. In Baker v. Downey City Board of Education (1969), students were suspended for distributing "outside the main gate" of the high school an underground paper containing profanity. Here the federal court upheld school officials on the grounds that "profanity and vulgarity" tended to upset the "educational process" which "must be protected" (Trager, 1978).

The impact of the Tinker case and others clearly sets the stage for the practice of First Amendment rights of

public school student journalists. Trager, in his Student Press Rights, explains the importance of these court decisions by stating that "fear" of disruption is not enough to shut down the student press. Controversy and discussion of once-forbidden topics are encouraged as strong learning processes and effective communications tool of democracy in the public school (Trager, 1978, pp. 13ff). Suppression of material, "prior restraint" by school authorities, or outright censorship are forbidden, according to Trager and Scholastic Editor's "Model Guidelines for Student Publications," with the exception of three general areas, defined earlier in the "Definition of Terms." The three general areas which courts have agreed may be censored by school officials prior to publication include (1) potentially libelous statements, (2) potentially obscene statements, (3) and statements which are beyond the law or which clearly bring danger of substantial disruption of the educational process (Hartman, 1978, pp. 4-8).

Probably the most comprehensive study involving high school journalism and its censorship problems in America is Captive Voices: High School Journalism in America. Captive Voices is the published report of the two-year study of high school journalism compiled by the Robert F. Kennedy Memorial Commission. The Commission investigated numerous aspects of American public school journalism programs and is, to date, the only one of its kind. The major part of the report dealt with censorship problems experienced by high school publications and student journalists. The Commission cited frequent cases of unnecessary censorship

of American secondary school publications. The Commission also issued a strong attack on school officials and others responsible for the suppression of student expression in American schools. The Commission found many articles of merit on alcohol, drugs, venereal disease and such topics simply banned as "not appropriate," even though the Commission felt these articles to have been done in "good taste" and otherwise educationally and legally sound. Boards of education, school administrators, publications advisers, and others were cited for their respective roles in denying students' First Amendment rights. The Commission found the problem of censorship a nationwide one, and one founded on false and deep-seated fears of the student press and its potential power (Nelson, 1974, pp. 24ff). Even today, the Commission remains active in protecting student journalists' rights, serving as a prime financial sponsor of the Student Press Law Center in Washington, D.C. The Center provides a free legal defense service for student journalists and others interested in protecting the First Amendment rights of the student press.

This research study, completed in the spring of 1984, comes exactly 10 years after Captive Voices was published. This study examines to what extent the "voices" of Kansas' high school student newspaper journalists are held "captive" in the public school setting. The only student press case on record in Kansas is the 1977 Fort Scott High School case filed in Topeka Federal District Court. The case involved a controversy stirred by the printing of a signed editorial critical of the school cafeteria (Kober v. Fort Scott U.S.D. 234). After publication of the "greasy tacos" editorial, the newspaper adviser, Lily Kober, was

transferred to an "English-only" teaching assignment (Wichita Eagle, 1977, p. 1). Kober filed suit in Topeka federal court, claiming in her petition not only that her students' First Amendment rights had been violated by the administrative action of transferring her teaching assignment, but her rights were violated as well. School officials contended Kober was "insubordinate" in refusing to screen the student newspaper along the guidelines of "good taste" and "positive" articles established by the school's administration (Slater, Wichita Eagle, 1977, p. 1). The case was settled out of court in 1978, with the adviser reinstated to her journalism and English teaching position and given assurances that First Amendment rights of students would be respected by school officials in the future.

Recent decisions on the national scene suggest that courts may be becoming less tolerant toward high school students who make waves with their school newspapers. Some school administrators have won court decisions supporting their efforts to censor student newspapers by simply demonstrating they had "unsubstantiated fears that a publication might cause a campus disruption" (Overbeck & Pasqua, 1983, p. 223) (Frasca v. Andrews, 463 F. Supp. 1043, 1979). The California Fourth District Court of Appeals upheld school authorities who removed a student editor who had used his school paper to criticize the football coach (Ortega v. Anaheim Union High School District, 4 civ 25504, 1981). Despite these court decisions which have gone against a broad interpretation of student press rights in secondary schools, there is no basis for

the idea that the Supreme Court is about to re-write its basic philosophy regarding freedom of expression in public schools as rendered in Tinker and other decisions.

A good deal of activity related to scholastic press freedom is seen in a number of national organizations. The Student Press Law Center, the Dow Jones Newspaper Fund, Inc., and the Journalism Education Association, have all stepped up their efforts to inform students and school officials of legal developments. The American Bar Association issued a lengthy "Freedom of the Student Press" statement in 1973 (Stevens & Webster, 1973, pp. 111-112). In 1980, two national journalism organizations, The Society for Professional Journalists (Sigma Delta Chi), and the Society for Collegiate Journalists (Pi Delta Epsilon-Alpha Phi Gamma), jointly published "Guidelines for Scholastic and College Publications Organizations: Educating About the First Amendment." In another effort to bring awareness of the role of the First Amendment in scholastic journalism, the Student Press Law Center started an annual national writing contest in 1980 with a scholarship award of $1,500 for the best student article dealing with the First Amendment (Newspaper Fund Newsletter, October 1980, p. 2).

Because of concerns that the First Amendment is eroding not only for student journalists, but also for professional journalists and the public itself, some 20 national legal and journalism organizations formed the "First Amendment Congress" to monitor developments in legal challenges to press freedoms. These groups held their first "congress" in 1980, and have held meetings annually since. The first national Student Press Freedom Day was celebrated in February 1983 throughout the United States and was

sponsored by the National Council of College Publications Advisers and the Society for Collegiate Journalists. This event is expected to become an annual observance to recognize the importance of the First Amendment in the educational setting. Conservative James Kilpatrick discussed the student press and its role in a syndicated column that ran in over 300 newspapers during the second week of February 1983. As expected, Kilpatrick took a stand largely in opposition of existing or expanded student press rights (Topeka (Kan.) Capital-Journal, February 17, 1983, p. 4). Enough evidence is present to suggest the student press rights controversy is continuing into the mid-1980s.

In December 1983, the nationally televised issue-oriented "Phil Donahue Show" spent an hour discussion period on high school First Amendment rights. Thus, literature and concern on this topic nationally is current and plentiful. However, little literature is available on scholastic journalism problems in Kansas. This research attempted to define problems and concerns which exist in the application of the First Amendment in Kansas high school newspaper programs.

Methodology

A sample survey was designed to gather observations on scholastic newspaper journalism in Kansas with regard to the exercise of First Amendment rights and responsibilities as discussed earlier in this study.

Subjects

The subjects for this study were taken from three

subpopulations of the school community which are directly or indirectly involved in student newspaper content selection and governance. The three subpopulations included in the sample were student newspaper editors, scholastic newspaper advisers, and building principals. Each of these groups was included in a randomly selected sample of 75 public Kansas high schools which publish student newspapers.

Population

The population for this study was limited to Kansas public high schools with student-produced school newspapers. These two population descripters were determined by using lists included in the 1982-83 Kansas State High School Activities Association Membership Directory (KSHSAA, 1982, pp.8-9). A proportional stratified random sample was employed in determining subjects for this study.

The KSHSAA Membership Directory was used to determine the three enrollment groupings of population schools. High schools with tenth through twelfth grade enrollments of 408 to 1,833 (6A and 5A schools) comprised the first group of schools and subjects. Schools with an enrollment range of 124 to 405 (4A and 3A schools) comprised the second group. Finally, high schools with an enrollment range of 15 to 122 (2A and 1A schools) were included in the third group. After schools without newspapers and after non-public high schools were removed from the group, the study's sample consisted of 18 of the 59 6A-5A population schools, 30 of the 98 4A-3A population schools, and 27 of the 86 2A-1A population schools.

Instrumentation

A questionnaire, contained later in this study, was constructed and used to collect needed data to provide answers to the research questions discussed earlier. The questionnaire used in this study was tested at summer publication adviser meetings and workshops on four different occasions to make questions as precise as possilbe. The questionnaire was designed to gather findings for the study's eight research questions. A total of 177 useable questionnaires out of 225 sent out to sample respondents (80 percent) comprise the findings of this study.

Analysis of Data

This study was descriptive in nature. Data analyses first includes summaries of the responses to all questions contained on the survey instrument in Tables I-VI. The raw data were listed in tabular form in three columns based upon responses determined by school size, and in a few instances, data reassembled based upon subject responses. The chi-square was run by using the Statistical Package for the Social Sciences (SPSS) computer program (McGraw-Hill, Version H, 1982). A number of findings were significant at the .05 level. Several were significant at the .01 level. Those areas where statistical significance indicates that either school size or subject responses are related to the survey variable are highlighted with an asterisk in all tables.

Findings of the Study

A number of statistically significant findings came from tabulating the data contained on respondents' questionnaires. The response rate of nearly 80 percent seemed to indicate that the survey subjects were quite interested in the topic. The findings for this study are highly condensed. Please refer to the seven tables included in this section, beginning on page 16a. Significant findings of the study include the following:

(1) Most survey respondents in all groups perceive the school newspaper's main viewpoint as that of students, or at least, that of the students on the newspaper staff (Research Question 1, Table I). Strong majorities of both school groupings and subject groups indicated that the newspaper's viewspoint was mainly that of the students or at least that of the students involved on the staff. The smaller school groups seemed a little less likely to make this selection, however, and this finding was significant using the chi-square at the .05 level.

(2) Large schools seemed to have a much broader content scope, including the publishing of controversial and non-school articles more often, than did the smaller school groups (Research Question 2, Table II). School size and content range were found significant in several areas at the .01 and .05 levels. The smaller schools appeared far less likely to publish articles which might spark controversy, such as those on teenage alcohol/drugs, sexual problems or questioning internal school administrative policy decisions.

(3) Most Kansas public high schools do not have written

TABLE I

MAIN POINT OF VIEW REPRESENTED IN STUDENT NEWSPAPER

Main Viewpoint Stressed	School Enrollment Groups **						Subject Respondent Groups					
	2A-1A		4A-3A		6A-5A		Principal		Adviser		Editor	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Student Staff	41	73.2	55	75.3	39	86.7	49	76.6	50	83.3	36	72.0
Faculty Adviser	2	3.6	5	6.8	0	0.0	2	3.1	3	5.0	2	4.0
Administration	0	0.0	0	0.0	2	4.4	0	0.0	1	1.7	1	2.0
Other Viewpoints	13	23.2	13	17.8	4	8.9	13	20.3	6	10.0	11	22.0
TOTALS	56	100.0	73	100.0	45	100.0	64	100.0	60	100.0	50	100.0

** Chi-square statistic indicates significance at the .05 level

Table II

CONTENT SUBJECT MATTER OF NEWSPAPERS DURING PAST TWO YEARS

Newspaper Content Indicated	School Enrollment Group 2A-1A Number	2A-1A Percent	4A-3A Number	4A-3A Percent	6A-5A Number	6A-5A Percent	
a. coverage of student elections, school activities	56	98.2	72	100.0	45	100.0	
b. coverage of national or international issues affecting students	16	28.1	39	54.2	37	82.2	*
c. student sexual problems, pregnancy, abortion, etc.	9	15.8	21	29.2	24	53.3	*
d. coverage of school varsity athletics and related activities	57	100.0	70	97.2	45	100.0	
e. local educational problems involving your students or faculty	32	56.1	55	76.4	42	93.3	*
f. controversial student concerns and school problems	30	52.6	54	75.0	42	93.3	*
g. internal administrative/policy decisions affecting students	27	47.4	55	76.4	39	86.7	*
h. coverage of community issues affecting students and the school	27	47.4	40	55.6	33	73.3	**
i. alcohol/drug problems involving students or teenagers in general	25	43.9	43	59.7	39	86.7	*
j. student life and school social activities (dances, proms, etc.)	57	100.0	72	100.0	45	100.0	
k. coverage of board, administrative and faculty personnel changes	43	75.4	62	86.1	41	91.1	
l. coverage of classroom and other strictly academic school happenings	55	96.5	72	100.0	42	93.3	

MULTIPLE RESPONSES DO NOT ALLOW FOR MEANINGFUL COLUMN TOTALS OF DATA

* Chi-square statistic indicates significance at the .01 level
** Chi-square statistic indicates significance at the .05 level

Table III

STUDENT NEWSPAPER GUIDELINES AND POLICIES *

Student Newspaper Guidelines	School Enrollment Groups					
	2A-1A		4A-3A		6A-5A	
	Number	Percent	Number	Percent	Number	Percent
Available	7	12.1	25	34.3	23	51.1
Not Available	51	87.9	48	65.8	22	48.9
TOTALS	58	100.0	73	100.0	45	100.0

* Chi-square statistic indicates significance at the .01 level

TABLE IV

NORMAL PERSON GIVEN RIGHT OF FINAL APPROVAL OF CONTENT

Person Given Final Approval Right.	School Enrollment Groups **						Subject Respondent Groups **					
	2A-1A		4A-3A		6A-5A		Principals		Advisers		Editors	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Student Editor	0	0.0	3	4.1	6	13.3	0	0.0	5	8.2	4	7.8
Newspaper Adviser	24	41.4	30	41.1	22	48.9	22	34.4	27	44.3	27	52.9
Principal	20	34.5	28	38.4	15	33.3	33	51.6	19	31.1	11	21.6
Superintendent/Board	14	24.1	12	16.4	2	4.4	9	14.1	10	16.4	9	17.6
TOTALS	58	100.0	73	100.0	45	100.0	64	100.0	61	100.0	51	100.0

** Chi-square statistic indicates significance at the .05 level

TABLE V

DATA REGARDING RESPONDENTS' KNOWLEDGE OF STUDENT PRESS LAW

How respondents view their own knowledge	School Enrollment Groups *						Subject Respondent Groups					
	2A-1A		4A-3A		6A-5A		Principals		Advisers		Editors	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Informed	20	33.9	42	57.5	28	62.2	28	43.8	33	53.2	29	56.9
Not adequately Informed	39	66.1	31	42.5	17	37.8	36	56.3	29	46.8	22	43.1
TOTALS	59	100.0	73	100.0	45	100.0	64	100.0	62	100.0	51	100.0

* Chi-square statistic indicates significance at the .01 level

TABLE VI

PERSON RESPONDENTS BELIEVE HAS FINAL LEGAL CONTENT CONTROL

Person with legal content control	School Enrollment Groups *						Subject Respondent Groups **					
	2A-1A		4A-3A		6A-5A		Principals		Advisers		Editors	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Student Editor/Staff	7	12.1	16	22.2	20	44.4	9	14.3	21	34.4	13	25.5
Newspaper Adviser	16	27.6	18	25.0	12	26.7	15	23.8	12	19.7	19	37.3
Principal	16	27.6	16	22.2	9	20.0	22	34.9	12	19.7	7	13.7
Superintendent/Board	19	32.6	22	30.6	4	8.9	17	27.0	16	26.2	12	23.5
TOTALS	58	100.0	72	100.0	45	100.0	63	100.0	61	100.0	51	100.0

* Chi-square statistic indicates significance at the .01 level
** Chi-square statistic indicates significance at the .05 level

TABLE VII

LEVELS OF "FREEDOM OF EXPRESSION" ENCOURAGED IN STUDENT NEWSPAPER

Newspaper's Degree of "Free Expression"	School Enrollment Groups *						Subject Respondent Groups					
	2A-1A		4A-3A		6A-5A		Principal		Adviser		Editor	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Always or Frequently	33	56.9	60	82.2	38	84.5	50	79.4	46	74.2	35	68.6
Sometimes	20	34.5	10	13.7	7	15.6	11	17.5	12	19.4	14	27.5
Rarely or Never	5	8.6	3	4.1	0	0.0	2	3.2	4	6.5	2	3.9
TOTALS	58	100.0	73	100.0	45	100.0	63	100.0	62	100.0	51	100.0

* Chi-square statistic indicates significance at the .01 level

policies or guidelines governing the suitability of content of school newspapers. This is particularly a problem for the newspapers in the two smaller school groups (Research Question 3, Table III). While a slight majority of 51 percent of the large school group (6A-5A schools) indicated their schools did have some kind of written newspaper content policies, nearly 88 percent of the 2A-1A group and 66 percent of the 4A-3A group indicated they did not have such content policies at all. This finding was significant at the .01 level using the chi-square statistic.

(4) The newspaper adviser, followed closely by the building principal, seem to be the persons given normal final control over content printed in Kansas school newspapers (Research Question 4, Table IV). As can be seen by examining Table IV on page 16d, respondents indicated that the person given normal control of content seemed to move higher as the school size grew smaller. In other words, while a few student editors were given this responsibility at the 6A-5A schools, a few of the superintendents took on this role at the 2A-1A schools. This finding was significant at the .05 level. Still, in most school situations, the Kansas respondents indicated the newspaper adviser, followed closely by the building principal, had the normal role in final content approval.

(5) Principals, newspaper advisers, and student editors, taken as a group, seem uninformed on school press law as it pertains to public school newspapers (Research Question 5, Table V). By their own admission, as shown on Table V, page 16e, most respondents indicated they felt "not adequately informed" on student press law issues. However, a majority of the large school respondents (62 percent) as

well as a majority of both the advisers group as a whole (53 percent) and the student editor group (57 percent) did indicate they believed themselves "adequately informed" in this area.

(6) Student editors are not given control over content selection of Kansas school newspapers. Survey respondents for the most part appear to be legally "ignorant" in this area. Therefore, it would appear that First Amendment rights of Kansas student journalists, as outlined in the Tinker decision, are being compromised (Research Question 5, Tables IV and VI). Findings in Table VI, page 16f, demonstrate that none of the school size groupings nor any of the subject groups believed editorial control of "legally responsible" material should be placed in the hands of student editors. This finding goes against most federal court decisions and against most research literature on the subject. Ironically, the respondents seemed to place final legal right to approve content at a higher level than was normally practiced, as shown earlier in Table IV, page 16d. These findings clearly suggest that most respondents, in all school size groupings, do not really know the First Amendment rights of high school newspaper journalists as defined by the courts and available literature. These findings were significant using the chi-square at the .01 and .05 levels.

(7) "Freedom of expression" seems to be encouraged in most Kansas public school newspapers. Again, findings indicate that smaller schools tend to see the role and content of the school newspaper in a narrower scope than they are perceived in the large school group (Research Question 6, Table VII). The findings indicated in Table VII, page 16g, showing a relationship to "freedom of

expression" in the school newspaper and school size were significant at the .01 level.

The above seven findings constitute the "major findings" associated with this study. These findings are based upon frequency and percentage data taken from returned questionnaires. In most instances, these findings were statistically significant at the .01 or .05 levels, using the chi-square statistical test. The study was not intended to test specific research hypotheses.

Conclusions of the Study

A number of conclusions can be drawn based upon this study's findings. The study's conclusions are closely coordinated with the recommendations which follow. The conclusions this researcher perceives as important include the following:

Newspaper Content

(1) Kansas public school newspapers appear to represent mainly the viewpoint of students at the school in which they are published, or at least, they appear to represent the views of the students who comprise the newspaper staff. Apparently, school newspapers, as a whole, have not become "house organs" of the school's administration and governing philosophy. The articles and editorials, respondents indicate, appear to be those which student staff members are comfortable in publishing. Apparently, the school district or administration, including the newspaper adviser, does not "force" publication of material which would be contrary to the students' point of view.

(2) Despite the fact that content of school newspapers apparently is not "forced" upon student editors, it appears most student newspapers retreat from publishing material on broad educational concerns, non-local issues affecting students, and controversial topics. This problem appears to be particularly strong in the smaller school newspapers. In the larger schools, school newspapers tend to be more adventuresome. Smaller schools tend to have a narrower content scope. Their potential to cover meaningful issues which affect students, teenagers, education, and society in general is far greater than seems to be done in actual practice.

Newspaper Management and Legal Education

(1) Most Kansas school newspapers operate without written policies or guidelines regarding the suitability of content. The school newspapers that have written guidelines are more often drafted by the newspaper adviser and/or student staff. It seems logical that student staffs would be more capable of making an accurate determination of whether to publish questionable content if written policies were in effect. District policies, which provide guidance in content selection, as well as the expected roles of school officials in screening "irresponsible" content, are needed in most Kansas schools.

(2) Kansas newspaper advisers, and in some schools, the building principal, are the persons given normal control of content of school newspapers. Despite the fact that federal court decisions and available research literature indicate that the student editor and staff should be in control of content selection, this is generally not the case. Locally

adopted guidelines should make it clear that student editors are to be given control over content, unless, of course, the content is not legally safe to publish (as defined earlier in the study).

(3) Those persons who manage school publications in Kansas public schools are generally not knowledgeable in the area of student press law, particularly as the First Amendment applies to school newspapers and student journalists. Most respondents indicate they are "not adequately informed" on student press law. The fact that most respondents believe control of controversial, but legally responsible, material belongs in the hands of the superintendent, principal, or newspaper adviser clearly demonstrates this point.

(4) Strong evidence exists that the First Amendment rights of Kansas student newspaper journalists are being compromised in most public high schools. In most situations, since the student editor and staff are not given control of newspaper content, the school newspaper cannot really be expected to operate as a true "forum for student expression," as federal courts have mandated.

(5) Most survey respondents indicate that the level of "freedom of expression" encouraged in their school newspapers is acceptably high. However, nearly one-half of the small school respondents believe such freedom is limited in their newspapers.

Recommendations of the Study

The following recommendations are based upon this study's findings and related discussion. They are closely

coordinated with the study's conclusions as presented in the previous section.

Newspaper Content

(1) Kansas public school officials should provide the resources, where possible, including a competent, knowledgable adviser, so that school newspapers will not be allowed to become "house organs" for the school's board of education or administration. Certainly, all schools have a proper role in providing internal and external public relations, but the school newspaper should be created in an environment which fosters student concern, thinking, and investigation on a wide variety of topics of interest to students.

(2) School boards and school administrators, as well as newspaper advisers and student staff members, should be educated on the role of the school newspaper as it pertains to discussion of difficult social issues and non-local issues which affect students and the school. The school newspaper can and should be far more than a post-mortem bulletin board for extracurricular and athletic events. School administrators and newspaper advisers should be encouraged to take one of several courses such as "Supervision of School Publications," offered at many colleges. Courses such as this attempt to build a broader understanding of the content scope of school publications. Teenagers face many problems, including widespread abuse of alcohol, drugs, and numerous sexually related problems. It seems far more fitting for the school newspaper to attempt to deal with these issues--from a student viewpoint--than to use the resource of the school newspaper solely as an

information sheet for publication of extracurricular or athletic events.

(3) School administrators and advisers need to be trained to see the difference between covering a "controversial" social issue in a school newspaper, and printing material which is not legally "responsible." One principal respondent wrote, "Our superintendent has begged for more controversy." In a democratic society, this should be the wish of most school administrators when it comes to school newspaper content, as long as it is legally defensible. It must be realized, of course, that a school newspaper that "digs" into controversy and covers difficult issues will make waves for the school administrator and adviser, but it will be a far greater service to its intended reading--the students.

Newspaper Management and Legal Education

(1) In an effort to define the role and rights of school journalists, school districts are encouraged to adopt written policies covering the role of student publications at their schools. Such policies should attempt to represent the concerns of all school parties concerned, and should be based upon constitutional and legal grounds. The Kansas Association of School Boards has a set of policies which it has prepared for its members which appears to meet this need. Model guidelines and policies from the Student Press Law Center in Washington, D.C., are also available. Also, student staffs, in cooperation with their adviser and principal, should adopt written guidelines which cover potential content problem areas, such as libel, invasion of privacy, obscenity, name-calling, letters-to-the-editor, and

a host of others. Several summer workshops for publications staff members are held annually. The need for such policies as well as the suggested content of these policies should be included in any workshop's instructional program.

(2) School policies and common practice should make it clear that the student editor and staff are the parties who are normally given the right and the responsibility for school newspaper content. Courts have ruled that school officials have little if any legal responsibility if libel or obscenity, etc., is published in newspapers in which they have not had direct control over content. In such cases, the student editors bare most of this responsibility. Certainly, the principal is wise to have a knowledgeable adviser who knows the law and who insists that student editors publish publications that do not violate legal standards. All school newspaper advisers are strongly encouraged to complete a mass communications law course, or in some other way, become knowledgeable in the area of student press law.

(3) School officials must be taught to realize the importance of the First Amendment as it applies to school newspapers as "forums for student expression." One federal court case (the Fort Scott "greasy tacos" case) was filed in Topeka in the late 1970s. It was settled out of court. For the sake of student journalists, and all others who wish to have the constitutional role of the student press defined in Kansas, a test case should be brought to court. Findings indicate one easily could be found. It could be done in the Kansas court system as well as the federal court system. After all, Kansas has a strong "freedom of the press" clause in its state constitution similar to the First Amendment which became the basis of the Tinker decision several years

ago.

(4) "Freedom of expression" in the school newspaper, as well in all other areas of public school life, should be encouraged by all parties. It has often been said that democracy is not an efficient form of government because every action of every official is subject to comment and scrutiny by the public. Public schools are the public's business. Students are future voters. They must be allowed to fully experience the fruits and the problems that come with an open, democratic society.

Recommendations for Further Study

This study produced a number of significant findings concerning school newspaper content and management pertaining to the situation on Kansas public high school newspapers. The study is generalizable to Kansas scholastic journalism programs, but, with modifications, it could be expanded to include a selected sample of public high school newspapers throughout the United States. Additional resources would be needed. A number of national foundations come to mind which might be willing to share the cost of such a study, including the Student Press Law Center, the Dow Jones Newspaper Fund, and the Robert F. Kennedy Memorial Fund. All of these foundations continue to provide encouragement and support for student journalists in their efforts to secure First Amendment rights. In fact, it was the Robert F. Kennedy Memorial Fund's publication, Captive Voices: High School Journalism in America, now one decade old, which prompted this researcher's desire to complete the present study. The present study's findings would suggest that Kansas scholastic editors' "voices" are indeed still

held "captive," at least to some degree.

Captive Voices, published in 1974, examined the state of student press freedom as practiced in American public high schools, and found it to be in a deplorable state. It must be acknowledged that considerable controversy surrounded some of the research techniques used in the Captive Voices study. The Captive Voices was completed only five years after the Supreme Court's Tinker decision was handed down. It would be interesting to this researcher to "revisit" American high schools a decade later, and see indeed if young journalists' "voices" are still held "captive." This researcher intends to investigate the possibility of completing such a study in the near future.

AUTHOR'S NOTE: Findings for this study were based in part from information obtained from respondents who completed and returned this questionnaire.

Kansas Scholastic Newspaper Questionnaire

This questionnaire is an attempt to secure information from student newspaper editors, newspaper advisers, and school principals for a research study on Kansas public high school scholastic journalism. Anonymous input is sought from all three groups of persons in an effort to obtain an accurate response on the questions contained in the survey. If you have additional comments, you are encouraged to put them on the reverse side of this questionnaire. Thank you for your time, interest, and cooperation in accurately completing this survey.

1. Which of the following categories best fits your school with respect to journalism courses provided and the student newspaper?
___a. There is a journalism course, and a newspaper is published as part of this course on school time.
___b. There is *no* journalism course, but a newspaper is published for students outside of class time (strictly extracurricular work only).
___c. There is a journalism course, but the school newspaper is published as an extracurricular project.
___d. The school newspaper is a laboratory project published in a non-journalism class setting.
___e. Other (please specify)_____

2. What publications do the students produce? (Indicate all that apply.)
___a. newspaper (or news magazine)
___b. yearbook
___c. literary or general interest magazine
___d. Other (please specify)_____

3. How frequently is the newspaper published?
___a. weekly ___b. every two or three weeks ___c. monthly or less frequently.

4. Whose viewpoint does your school's newspaper *most* frequently represent? (Please indicate only *one* of the choices below.)
___a. The newspaper represents mainly the views of the student staff.
___b. The newspaper represents mainly the views of the faculty adviser.
___c. The newspaper represents mainly the views of the school administration.
___d. Other (please specify)_____

5. Has your student newspaper published articles on the topics given below within the past two years? (Please circle Y for Yes and N for No as appropriate).

Y	N	a. coverage of student elections, school activities
Y	N	b. coverage of national or international issues affecting students
Y	N	c. student sexual problems, pregnancy, abortion, etc.
Y	N	d. coverage of school varsity athletics and related activities
Y	N	e. local educational problems involving your students or faculty
Y	N	f. controversial student concerns and school problems
Y	N	g. internal administrative/policy decisions affecting students
Y	N	h. coverage of community issues affecting students and the school
Y	N	i. alcohol/drug problems involving students or teenagers in general
Y	N	j. student life and school social activities (dances, proms, etc.)
Y	N	k. coverage of board, administrative add faculty personnel changes
Y	N	l. coverage of classroom and other strictly academic school happenings

6. Which types of articles are *not* adequately covered in your school newspaper, in your opinion? (Indicate as many as may apply.)
___a. school extracurricular activities, including athletics
___b. local community and educational issues
___c. regional and national issues affecting education and students
___d. social issues affecting students and teenagers
___e. controversial student activities and school problems
___f. administrative or board policies affecting the school or students
___g. Other (please specify)_____
_____

7. Does your school have written guidelines (such as board or administrative policy) to help the newspaper adviser or student newspaper staff in determining what material is appropriate for the school newspaper? (Indicate Yes or No).
___a. Yes
___b. No

8. Who in the school has *final* right of approval of articles to be published in the newspaper? (Please indicate only *one* — the highest authority — in *your* opinion.)
___a. the student editor
___b. the journalism teacher/newspaper adviser
___c. the school principal
___d. the superintendent or board of education
___e. Other (please specify)_____

9. Do you think you are adequately informed as to press law as it may apply to rights and responsibilities of public high school students working on the student newspaper? (Indicate Yes or No.)
___a. Yes
___b. No

Continued on Reverse Side —

— Continued from Front Side

10. You have an article on a *controversial subject*. The article does *not* contain libel, obscenity, or illegal or substantially disruptive material. Legally, who has *final right* to decide whether or not it should be published in the student newspaper?

___a. student newspaper editor/staff
___b. newspaper faculty adviser
___c. building principal
___d. superintendent/board of education

11. Have situations developed in the past *four* years in your school involving the contents of the student newspaper in which you think your newspaper was "irresponsible"? (Please indicate Yes, No or Don't Know and explain.)

___a. Yes
___b. No
___c. Don't Know

If Yes, please briefly describe the situation(s):_____
_____
_____
_____
_____

12. Do you think "freedom of expression" in your school press is *encouraged* if it is done responsibly? (Indicate only one of the follow):

___a. Always ___b. Frequently ___c. Sometimes ___d. Rarely ___e. Never

13. What in your opinion are the best ways to ensure responsible student newspapers? (Please indicate *only* your top *three* choices by numbering them in rank order, i.e., *1, 2* and *3.*)

___a. adequate administrative/board and staff policies
___b. good staff relationship with school administration
___c. knowledgeable newspaper adviser/journalism teacher
___d. adequate financial support for newspaper
___e. adequate rapport between newspaper staff/adviser and administration
___f. control in selecting editor and staff by school officials
___g. staff knowledge of legal rights and responsibilities
___h. type and quality of students involved on newspaper staff
___i. Other (please specify)_____
_____

14. *(FOR NEWSPAPER ADVISERS ONLY)* What preparation did you, the newspaper faculty adviser, have for the position of "newspaper adviser"? (Please indicate as many as apply to your situation as adviser.)

___a. no background specifically in journalism
___b. attended journalism workshop(s) of at least one week in duration
___c. college journalism course work — *less* than 12 hours completed at present time
___d. college journalism course work — 12 hours or *more* completed
___e. professional working experience with newspaper of at least one year
___f. work on student publications in high school or college
___g. Other (please specify)_____

15. *(FOR NEWSPAPER ADVISERS ONLY)* How did you, the newspaper adviser, gain your present position? (Indicate *only one* of the following choices.)

___a. applied for the position from outside present district and was hired
___b. applied for the position while teaching in other subject area in this district
___c. was asked to assume the position by school's administration
___d. Other (please specify)_____

How many years have you held your present position as newspaper adviser? _____ Years.

Thank you for taking your time to answer the above questionnaire. In the space provided below, please feel free to add further comments or thoughts on the subject. After questionnaires are completed and returned, I will complete a written report of the findings. If you would like a copy of the survey's results and findings, please write: David L. Adams, Director, Student Publications, Inc., Kansas State University, Manhattan, KS 66506. Thank you again for your time and interest in completing this survey.

Additional Comments:

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